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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,223	03/10/2005	Pascal Vacher	17102/015001	3230

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EXAMINER

GRAHAM, GARY K

ART UNIT PAPER NUMBER

1744

DATE MAILED: 02/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/527,223

Applicant(s)

VACHER, PASCAL

Examiner

Gary K. Graham

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 03102005.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 2, line 1, it appears that “he” should be ---the--- to provide proper language. Use of “he said adapter” has no clear meaning.

In claim 3, line 1, it appears “a” should be ---the--- since the longitudinal locking means has already been set forth in claim 2. It appears duplicative to define another longitudinal locking means.

In claim 4, line 2, it appears “aritcualted” should be ---articulated---. In line 3, there is no antecedent basis for “the web”.

In claim 5, line 2, it appears “a” should be ---the--- since the longitudinal locking means has already been set forth in claim 2. It appears duplicative to define another longitudinal locking means. In line 2, there is no antecedent basis for “the housing”.

In claim 6, line 2, there is no antecedent basis for “the web”.

In claim 9, line 2, there is no antecedent basis for “the web”.

*Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2 and 5-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Bacher (German patent 1108580).

The patent to Bacher discloses the invention as is claimed, including an arm (1) pivotally coupled to a wiper blade (3-6) via a pivot spindle. The arm has an end rod (11) received longitudinally in an adapter (2) mounted on the blade. The adapter is substantially U-shaped in cross section (fig.4) and has flanges (18), each with a hole (not numbered but shown) therein. The adapter includes a locking means (12,23,24) as part of a housing for longitudinal and transverse locking of the arm therein.

With respect to claim 7, note snapping-in rib (23) on an internal surface of the adapter and stop (24), which is a profiled catch at the end of the rod.

With respect to claim 8, the cross-member portion of the adapter to which the finger (21) is attached acts to transversely lock the rod as is claimed.

With respect to claim 9, note that the adapter of Bacher has a longitudinal opening therethrough which allows passage of the rod.

Claims 1-5, 8 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Kushida (US patent 3,831,222).

The patent to Kushida discloses the invention as is claimed, including an arm (1) pivotally coupled to a wiper blade (2,3) via a pivot spindle or cross pin. The arm has an end rod (fig.8) received longitudinally in an adapter (4) mounted on the blade. The adapter is substantially U-shaped in cross section (fig.3) and has flanges (17), each with a hole (18) therein. The adapter includes a locking means (42,45,12) as part of a housing for longitudinal and transverse locking of the arm therein. The locking mean is comprised of an articulated part (42,43,47) having a tenon (45) thereon that is received into an orifice (61,fig.8) for longitudinal locking of the arm.

With respect to claim 4, the cross-member portion of the adapter includes a flexible tongue (42) carrying the tenon.

With respect to claim 8, member (46) of Kushida is considered to be the fixed cross-member.

With respect to claim 9, note that the adapter of Kushida has a longitudinal opening therethrough which allows passage of the rod.

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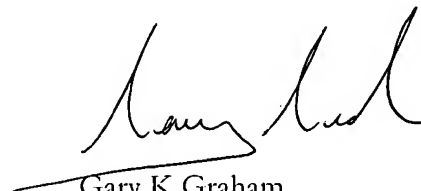
*Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant's attention is directed to the patent to Bock et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary K. Graham whose telephone number is 571-272-1274. The examiner can normally be reached on Tuesday to Friday (6:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard D. Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Gary K Graham  
Primary Examiner  
Art Unit 1744

GKG  
02 February 2006